G. R. S. 59]

GPB—15,000 - 20 12 13

GENERAL AND REVENUE SECRETARIAT.

1895-6

191.

(Inuzvai)

File No. 112

Serial Nos.

Papers Filed.

*Month*_____

SUBJECT.

Disposal of the Coffee tract known as the 'Inerthi Khan Estate' attached to the Kalasa temple for Coffee cultivation"

PREVIOUS REFERENCES	LATER REFERENCES

Memo

Letter no 403 dated 6th Dec/1895 from the Dy Comr. Kadur Dt.

The Coffee tract known as the 'Inam the Khan Estate is an Inam attached to the Khalsa Temple. The Estate comprises the following Survey Nos in Toladur Village:—

Sur. No.	Extent. A G	Assessment R A P
44	71- 8	107 - -
104	47- 38	" " "
105	24 - 16	
45	190- 12	285-8- -
107	87- 23	181-8
106	278- 11	
	699- 28	

2. In 1885-6 one Rangiah Hebbar (since deceased) in whose Khata all the above lands stood since the Coffee Settlement in 1881-2, resigned the occupancy of the Survey Nos 104, 105 & 106; And the remaining 3 Survey Nos 44, 45 & 107 Continued in Rangiah Hebbar's possession for about 2 years more, when they were relinquished in favor of one Basappa Chetty of Bangalore. The latter died in 1891-2, and the Khata of the l

registered in the name of his son Rudrappa Chetty. And lastly in 1893-4, Rudrappa Chetty sold the lands to Messrs P Morgon and Brothers in whose possession they now continue.

3. In 1890, it came to the notice of the Amildar-hav, not known-that some of the lands resigned by Rangiah Hebbar in 1885-6, had been encroached upon and planted with

When a Mopindar was appointed to the Taluk, he was directed to measure the Survey Nos and report on the alleged encroachments; but even the Mopindar did not take prompt action in the matter for nearly a year.

4. Towards the end of the year 1893, Mr. Reid the agent of Messrs Morgan and Brothers, the present holders of the Merthi Khan Estate, brought

to the notice of the
Dy Comr. and the
Taluk Amildar, that
portions of the adjoin-
-ing lands had been
encroached upon
and planted with
Coffee several years
ago, and requesting
that the encroached
portion may be given
to him and added
on to Survey Nos. 44
& 45, which were
in his occupancy,
in exchange for certain
parts lands to be
resigned by him.

In reply to the Application to the Dy Comr., Mr Reid was informed that no exchange could be allowed, but that he could regularly apply for the lands he required; and Mr. Sparkes reserved further action in the matter till after a personal inspection of the locality at the time of Jamaabandy.

6. The Application addressed to the Amildar by Mr. Reid the same subject.

was referred to the
Mopinidar for report.
In Feb.y 1894, the
Mopinidar reported
that on re-measuring
the Coffee lands
in Mr. Reid's occupancy
he found that
a portion of the
adjoining Survey Nos.
106 & 104 had been
encroached upon
to the total extent
of ~~nearly~~ 24 Acres-7
Gunthas, as noted in
the margin*, and
that about 4000
Coffee plants (9 years
old) were standing

* { 19 Acres – 16 Gunthas in Survey No. 106
4 " – 31 " " 104

on about 4 acres of land out of the above area.

7. Thereupon the Dy Comr. to whom the records were submitted by the Amildar passed the following order on the application of Mr. Reid:—

"Mr. Reid has applied for 19 acres - 16 guntas out of Survey no. 106. and 4 acres - 31 guntas out of Survey no. 104.

The first application may be entertained and the land put up to auction. As

regards the second application, it being below 5 acres, the minimum, it can not be entertained. Mr. Reid should apply for not less than 5 acres in this survey number, and which will be put up to auction.

"As it has been found that about 4 acres have been unauthorizedly cultivated in these survey nos., and that the coffee plants contained therein are old, the present

Khatedars, and the former holders will pay up the back assessment from the year of the Coffee re-survey Settlement, and the land resumed to Govt."

8. The arrears of Assessment on the portion encroached upon and unauthorizedly planted, for the past 10 years since the re-survey in 1885-6, have been ordered by the Dy Comr.

to be levied as follows:—

Year -	Amount - R. A. P	To be levied from:-
1885-6 & 1886-7.	19-13-0	Ranjiah Helbar.
1887-8 to 1892-3	50-7-0.	Rudrappa Chetty of Bangalore.
1893-4 & 1894-5	13-13-0.	Messrs Morgan & Bottley the present holders.

9. Against the order of the Dy Comr., Mr. Reid has now addressed a petition to Govt. In this petition no. 399 dated 19th Jy 95, Mr. Reid states that the encroachments in question have been made by the former owners of the Estate, that the present.

owners, whose agent the petitioner is, purchased the Estate from its last holder under a bona fide belief that the lands unauthorizedly planted up formed part of the Estate in question, ~~and~~ that he himself upon the fact of the encroachment to the Dy Comr. and the Auditor soon after he discovered it, and that therefore it wd be hard upon him if the encroached

Pnd be resumed

and put up to auction
at this stage. He
therefore prays that
"the encroached office
be measured properly
and given to him
after paying up
the arrears of assessment
(which really ought
to be borne by the lake
proprietors) and that
the boundary be
straightened off
(see plan) and that
"the balance of land
(other than the en-
-croached portion) con-
-tained in the
new boundary be
put up to auction

in the usual way".

10. It may here be remarked that at the enquiry held in the Taluk on Mr. Reid's Application, the ryots of the Village have deposed before the Sheikdar and the Amildar that they have no objection to the lands applied for by Mr. Reid being given to him, but that they no more lands should be given out for Coffee Cultivation, as otherwise, they, the Villagers,

will not have enough
of pasture lands
for their cattle and
~~for~~ forest tracts
for fuel purposes.
But since Mr. Reid's
application to Govt,
the same villagers.
have addressed
a petition to Govt
that Mr. Reid's
application for
any portion of the
lands in ~~question~~
Survey Nos 106 & 104,
should not be en-
tertained, as the
grant would cause
the villagers much
inconvenience by
blocking up their

Cattle and other
paths and Mr. Reid
is too influential
a planter for the ryots
to deal with.

"

24/1/96.

Gen. 31.] 1896 540

From

The Revenue Secretary to the Government of Mysore

To

The Secretary to the Government, Muzrai Department

Dated

Despatched 10

Received January 1896.

General No. 6168
Pt. No. 1257.

Enclosure No One file of correspondence as per list enclosed

Has the honor to transfer the whole file of correspondence ending with docket No 413 dated the 10th December 1895 received from the Kadur Deputy Commissioner regarding the petition of Mr C. P. Reed, Meralla Khan Estate, Balehonnur, Koppa Taluk, appealing against the Kadur Deputy Commissioner's order directing the resumption of the portion of Survey Nos 106 and 104

of the Totadwo village, Mudgere Taluk, encroached upon by the proprietors of the Meratti Khan Estate, as the matter is one for disposal in the Muzrai Department.

"By order"

H. Ghanjundaya

Under Secretary

upd

mpd
MLL

List of papers sent to Mugrai Department with this office docket No. 6168/Pet. 1251 dated 10th January 1896 addressed to the Secretary Mugrai Departt

1 Letter No 413 of 10-12-95 from the Dy Comr Kadur Distt with its one enclosure

1 " No 403 of 6-12-95 from — do — do with Ver file and survey map —

1 O.M. No 1075 of 4-12-95 to Dy Comr Kadur Distt

1 Petn Abs. 1824 of 11-11-95 from Nagappa Potters of Mudagere

1 O.M. No 713 of 20-9-95 to Dy Comr Kadur District

1 indt No 399 of 20-9-95 to Mr. C.P. Reed Menthikan Estate Balehonnur

1 Petn Abs. 876 of 26-8-95 from do do

1 — " — 399 of 19-7-95 from do do

8 Eight papers.

MSR

Copy

Ramaswamy Iyengar

For Revn Secretary.

Gen. Serial No. 32.]

189

No. 399.

Name of Petitioner. G. F. Reed

Village. Balehunnur

Taluk.

District. Kadur

Date of Arzi. 19-7-95

Date of Receipt. 25-7-95

Date of Disposal.

No. of Enclosures. 3.

ABSTRACT.

States that some portion of Government land adjoining his coffee estate was encroached upon under the impression of its being included in his coffee estate and requests that the portion thus unknowingly encroached upon, may be put up to auction and given to him in due course.

26/7/95

Unstamped

Out of time as the order appealed against was passed in December 1894

The original order or a certified copy of it has not been produced.

The D.C. Commr's order was passed under Sec. 59 L.R. Code. An appeal from such order would have been a Commr's ex. under the old Rules, vide clause (b) of Section 1. This clause has been omitted in the new Rules. It is however a question for consideration whether the Arzi does not fall under Sub para (e) clause 1 of Sec 10 of the new Rules "Claims respecting the occupation of waste or vacant land belonging to Govt."

Sub to the Hon. Secretary

31/7

I doubt much if this is an appeal which has to be heard by a Commr. ~~appeal lies~~ - It is not a claim against Govt for the occupation of Govt waste land. However, the notice has not been claimed nor has it been filed within the period prescribed for appeals.

Submitted to the 2nd Councillor

31-7-95

Pet 713

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 379 dated 19th July 1895 received at the Dewan's Office from Sri C N Reddy, Merthi Estate, Balehonnur, Kopp Taluk appealing against the order of the Court, directing the resumption of the portion ~~regarding a piece of land encroached upon by the late Proprietor as fort land~~, S. nos. 106 & 104 of the Tolathur Village, Shedgere Taluk encroached upon by the proprietors of the Merthi is forwarded, together with its 3 enclosures, to the Deputy Commissioner, Kadur District, for submission of future proceedings connected with the case together with a report on the petition ~~of the case~~ and ~~on the points raised in petition~~.

~~2. The Deputy Court to also send to forward~~ a sketch showing the encroachments of the surrounding survey numbers.

3. The petition and its enclosures to be returned.

By order,

Draft

BANGALORE, 189 for Revenue Secretary.

23/9/95

Ord

10/9

No.

399

MYSORE DEWAN'S OFFICE,

PETITION DEPARTMENT,

The 189

Endorsement granted to M. P. P. Reed, Marthamkhan Estate, Balehonnur, Kadur District

In reply to his Petition Registered No. 399 dated 19th July 1895 Radur of appealing against the order of the Deputy Commissioner, ~~declining~~ directing the resumption of the portion of ~~to grant a piece of land~~ encroached upon by the late proprietors of the Estate ~~on port land~~ of nos 106 & 104 of the Sokadur Village

Petitioner is informed that his petition has been forwarded to the Deputy Commissioner, Kadur Dist for report ~~submission of the records connected with the case~~

'By Order'

Draft

for the Chief Secretary.

20/9

M.G.C.P.B—19-2-95—1,000

23/

Dna

20/9

Gen. Serial No. 32.]

1895

No. 87

Name of Petitioner. C. P. Reed

Village. Merthathum Estate Balehonnur

Taluk. Koppa

District. Kadur

Date of Arzi.

Date of Receipt. 26-8-95

Date of Disposal.

No. of Enclosures. 3

ABSTRACT.

He submits his petition ~~[illegible]~~ praying ~~[illegible]~~ for the grant of the land encroached upon by the late Proprietors - to them on proper measurement - with two Rs. Court fees stamp affixed thereto -

27/8

Sub^d for orders with reference the office note and order on Abstract Petn No. 399.

4-9-95

4/9

Why should not submit the sketch showing the encroachments of the surrounding survey numbers.

16.9.95

Draft

20/9

245 — 6-11-95

247 — 6-11-95

244 — 6-11-95

246 — 6-11-95

No. 17. Fifteen eight annas Stamp

824 Petition 18/11/95

1824 R

water to their cattle.

Petition 27/11

Reply 28/11

[illegible]

[illegible]

[illegible]

39 [illegible] 713

113 [illegible]

2

189 5

No. 1524

Name of Petitioner, Nagappa and others

Village, Yolādur

Taluk, Mudgere

District, Kadur

Date of Arzi, 11-11-95

Date of Receipt, 18 11 95

Date of Disposal,

No of Enclosure, Nil

ABSTRACT.

Praying that 25 acres of coffee land in S. Nos 104, 106, 25 of the above village, applied for by one Mr. Reed, may not be granted to him ~~to the~~ as it would cause much inconvenience to the villagers and their cattle depriving them of the facility to get wood for the manufacture of agricultural implements, of pastures and drinking water to their cattle.

No. 2
27/11
Recd. [illegible]
[illegible]
25/11

To the Dy. Commr for report in continuation of No. 713.
23 9 95
[illegible] 30/11
Drafted
JVR 3/12

Reply
25/11
[illegible]
2/11

28

Ret of 1075 Ques:1

Revised. 7/12/95

MYSORE DEWAN'S OFFICE.

PETITION DEPARTMENT.

OFFICIAL MEMORANDUM.

The accompanying Petition No. 1824 dated 11 Nov. 1895 received at the Dewan's Office from Nagappa and others of Totadur Mudgere Taluk, praying that the application of ~~the~~ Mr. Reed for 25 acres of Coffee land on of Survey Nos. 104, 106 & 25 of the said village may not be granted to . . . . .

forwarded, ~~together with its~~ ~~enclosures~~, to the Dy. Commr Kadur District, for report in continuation of O. M. No Pet 71 dated 23 September 1895

By order,

Draft

Revenue Secretary.

BANGALORE,

4 — 12 — 1895

7

SKR 3/12

Urgent - The matter therefore seems to be one for disposal in the chamber itself

6-1-96

all right
[illegible]
7/1/96

Transfer this to the chamber judge

6-1-96

[illegible]
6-1-96

30

Gen. 31]

1895 4614
Pet 396

From
The Deputy Commissioner
Kadur District

To
The Revenue Secretary
to the Government of
Mysore.

Dated 6th
Despatched 10th December 1895
Received

General No. 4033 } 1895-96.
No.

Enclosure No. one file V.P. + 1 surv. map sub. upon this

Reporting on the petition of Mrs. B. P. Reed over the Khan Estate, Kalehonnur, Kopp a Taluq; expressing against the order of the Deputy Commissioner rejecting the resumption of the portion of Survey nos. 106 and 104 of the Kalahur Village, Indegere Taluq encroached upon by the proprietors of the Durga Ishwara Estate

Sub. to the Rev. Secy. with Pet. No. 1824 from Nagappa & others of Kalahur & the Dy. Comr. docket No. 413 of 10.12.95.
A copy of the Inam Dept. Order No. 654-6/23 of 14-10-92 is put up. The schedule attached to it shows that the lands in question belong to the Kalasa Temple.
Pd. Submd. to 2d Councillor with reference to his order on Petition No. 876. The lands in question belong to the Kalasa

Ord. no. 654-6/23 of 14/10/95 referred to by the Deputy Comr. was issued from the Inam Branch.
MLL
16/12
A copy of it will be made & put up.
Mr. N. Naidoo.
Please take copy
17/12

Pd.
31/12

Deputy Commissioners Office
Kadur District.

Dated: Birikurugalur 6th December 1895

From

The Deputy Commissioner
Kadur District.

To

The Revenue Secretary
to the Government of
Mysore.

Sir,

With reference to your Memo No: $\frac{Ret}{713}$ dated 20th September 1895 forwarding for report Mr. B. P. Reed's petition appealing against my orders directing the resumption of the portions of Survey No. 106 and 104 of the Tolādur Village, Mudigere Taluq, encroached upon by the proprietors of the Meratte Khan Estate, I have the honor to state as follows:—

The Meratte Khan Estate originally comprised the following lands of the Tolādur Village in the Taluq of late Mr. Rangah Acchar, who owned them from the time of the coffee settlements of 1881-82.

Survey No.	Total Area A	G	Kharab A	G	Cultivable A	G	Assessment Rs	as	ps
44	143	22	116	3	27	19	41	4	"
45	526	8	476	8	50	"	50	"	"

These are Inam lands belonging to Sree Kalaseswaraswami Temple at Kalasa Vide Government Proceedings No: $\frac{654-6}{23}$ dated $\frac{14}{17}$th October 1892

2. The said lands having contained a large extent of Kharab land, they were resurveyed and settled as follows in the year 1885-86.

I

Survey No.	Acres A	G	Assessment Rs	as	ps	Remarks
44	71	8	107	"	"	Retained by Sri Ranglah Shekar.
104	47	38	"	"	"	Resumed to Government as the Shanbogar resigned them.
105	24	16				
Total	143	22				

II

45	190	12	285	8	"	Retained by Sri Ranglah Shekar.
107	87	23	131	8	"	Do —
106	278	11	-	-	-	Resumed to Government as the Shanbogar resigned this No.
Total	556	6	-	-	-	

Note

Note. The area of A. 29 - G. 38 which is the difference between the extent of Original No. 45 and that of the Resurvey Nos. appears to be the excess found in the resurvey.

3 Thus, Survey Nos. 44, 45 and 107 remained in the Khata of the late Mr. Rungiah Hebbar till 1887-88, when he resigned them in favor of Bangalore Barappa Shetty. The latter having died, his wasg was transferred in 1891-92 to his son Chik Ruosappa Shetty in whose Khata the lands still continue to remain though Messrs. Morgan and Sons of whom the Appellant is the agent have purchased them by a private sale.

4 On 22nd December 1893, the appellant brought to the notice of the Amildar that a piece of land in Survey No: 106, adjoining the eastern boundary of Survey No: 45 above alluded to, was opened and unauthorizedly planted by one Domingo, the Agent or assignee of the late Mr. Rungiah Hebbar.

5. In 1890, the then amildar S. Srinivasa Row

Sreenivasa Row, who, some how or other, learnt that some of the lands resigned as above was encroached upon and planted with coffee, issued orders to the Shirkdar of the Kalasa Hobli to inspect and report on the matter. Owing to the want of the proprietors' presence or other pressing reasons, the requisite inspection was not made till the receipt of the above letter from Mr Reed in December 1893.

Cir. Lr. 5.1 1/5/1 dt 26 Oct 1894

6 A measurer having just then been appointed to this Taluq the then Amildar Mr Shamiengar deputed him to measure the part encroached upon and report.

7. I also received Mr Reed's letter dated 6th November 1893 on the subject and retained it for disposal at the time of Jemabandi at Kalasa. But having heard from the Amildar of his having deputed his measurer for finding out the encroachment on a similar direct representation to him from Mr Reed, I called for the papers from the Taluq

8. From the surveyor's report No. 93 dated 27th February 1894 and his Sketch of the land received through the Amildar, I found that the portion marked A in blue pencil on the Sketch, Exhibit X, measuring about 24 acres and 7 guntas of Government unassessed Nos. 104 and 106, resigned by the late Khatedar Mr. Rungiah Hebbar and that 4000 Coffee plants aged about 8 or 9 years were available, apparently, on about 4 acres of the above area viz, 24 acres and 7 guntas.

9. Mr. Reed having applied for the whole of the above 24 acres and 7 guntas in his letter of the 6th November 1893 and it having been remarked by Government in several similar cases that such lands of unauthorized cultivations should be resumed to Government, I passed the following orders on 16th April 1894, "Mr. Reed has applied for 19 acres. 16 guntas out of Survey No: 106 and 4-31/9 out of Survey No: 104."

"The first application may be entertained

"entertained and the land put up to auction. As regards the second application, it being below 5 acres, the minimum, it cannot be entertained. Mr Reed should apply for not less than 5 acres in this Survey No and which will be put up to auction. As it has been found that about 4 acres have been unauthorizedly cultivated in these Survey Nos. and that the coffee plants contained therein are old, the present Khatedars and former holders will pay up the back assessment from the year of the Coffee Resurvey settlement and the land resumed to Government."

Hence the appeal. The back assessment is not yet paid by any body.

10. The Amildar's report No 490 is perused and enclosed for perusal and kind return. The Village Survey map is also herewith submitted for reference and obliging return.

11. The petition with enclosures

received with the above is
herewith returned.

I have the honor to be
Sir
Your most obedient Servant

[illegible]
Deputy Commissioner
Kasur District

Sd/

AUG. 95
No. 3799
26/7/95
Secretariat
Secretariat II
Secretary to the Govt. of Mysore
Under Secretary
Mr. Chief Secretary
Mr. Secretary
Under Secretary

399 R

Meerthukhan Estate 7-95
Balehonnur P.O.
Kadur Dist
19. July 95

The Chief Secretary to the Mysore Government
Mysore

Dear Sir,

I beg to inform you that I visited Bangalore in February last with the intention of approaching you in connection with the following subject, but was informed by Dr. Achuta Rao that indisposition at the time prevented you from giving your attention to business, and that your substitute would receive me, on whom I accordingly called at his office, and represented the matter which I was directed to address to you in writing.

My employers, the proprietors of the above Estate, Messrs Morgan Brothers of Mangalore purchased this property from one Bangalore Chick Rhudarappa Chetty in March 1893; containing 518 acres accordg. to Government survey.

In October or November 1893 I sent some coolies to fell timber for sawing purposes, who through ignorance cut down one or two trees just outside a field of coffee on the Eastern boundary. When the said trees were being sawn, the Patail (Sotadar) came to me and intimated that the trees had been felled in Government land. Knowing something of surveying, and with the aid of the maps I went into the matter and discovered that not only had the trees been felled in Government land, but that about 6½ or 7 acres of the Coffee was also in Government land (No 145). On enquiry I found out that the land was felled and planted by one Domingo, who was opening the Estate for the then proprietor A Ruggia Kebber some 14 or 15 years ago. I also learnt that after Domingo was discharged from the Estate, anonymous letters were sent to Government, or the local Officials purporting to the encroachments by this Estate & I believe the then Amildar and major Officials enquired into the matter, (which was known to the Patail and others in the Grama (Sotadar) but nothing was

done

done, and as far as I can make out, came to an abscond and.

I duly intimated my discovery to the Deputy Commissioner Kadur and the amildar at Mudigere, with a request that the land encroached on, might be surveyed and given tons and the boundary straightened off, (see plan), of course with the understanding that the back tax be paid, as has been the case with several of my neighbours who have similarly encroached into Government land & have been allowed to retain such land.

The Mojindar came & surveyed (on the Eastern side) the proposed new boundary, (painted red). He did not survey the encroached coffee but only estimated the area.

In reply to my letter of 6th November 1893, the Deputy Commissioner passed orders (copies enclosed). I again represented the matter to him personally at the Kadur Club and asked him to reconsider his orders & he requested me to write to him on the subject again which I accordingly did and received his reply, (copy enclosed 22 Decr. 1894).

I beg you will kindly consider the matter in a just light and remember that we are not the wilful encroachers & that the unauthorised cultivation was done by the former holders 14 or 15 years ago & it is hard, very hard indeed that we should have to resume to Government good coffee purchased in good faith from the late proprietor, believing the boundaries & coffee contained therein to be correct and within bounds. I honestly reported the matter when I discovered the encroachment & did not "lie low" as many do when they make encroachments.

All we ask is that the encroached coffee be measured properly and given tons (after paying up the arrears of assessment which really ought to be borne by the late proprietors) & that the boundary be straightened off (see plan) & that the balance of land, (other than the encroached portion) contained in the new boundary, be put up to auction in the usual way.

I remain, Dear Sir
Yours faithfully
C. P. Reed.

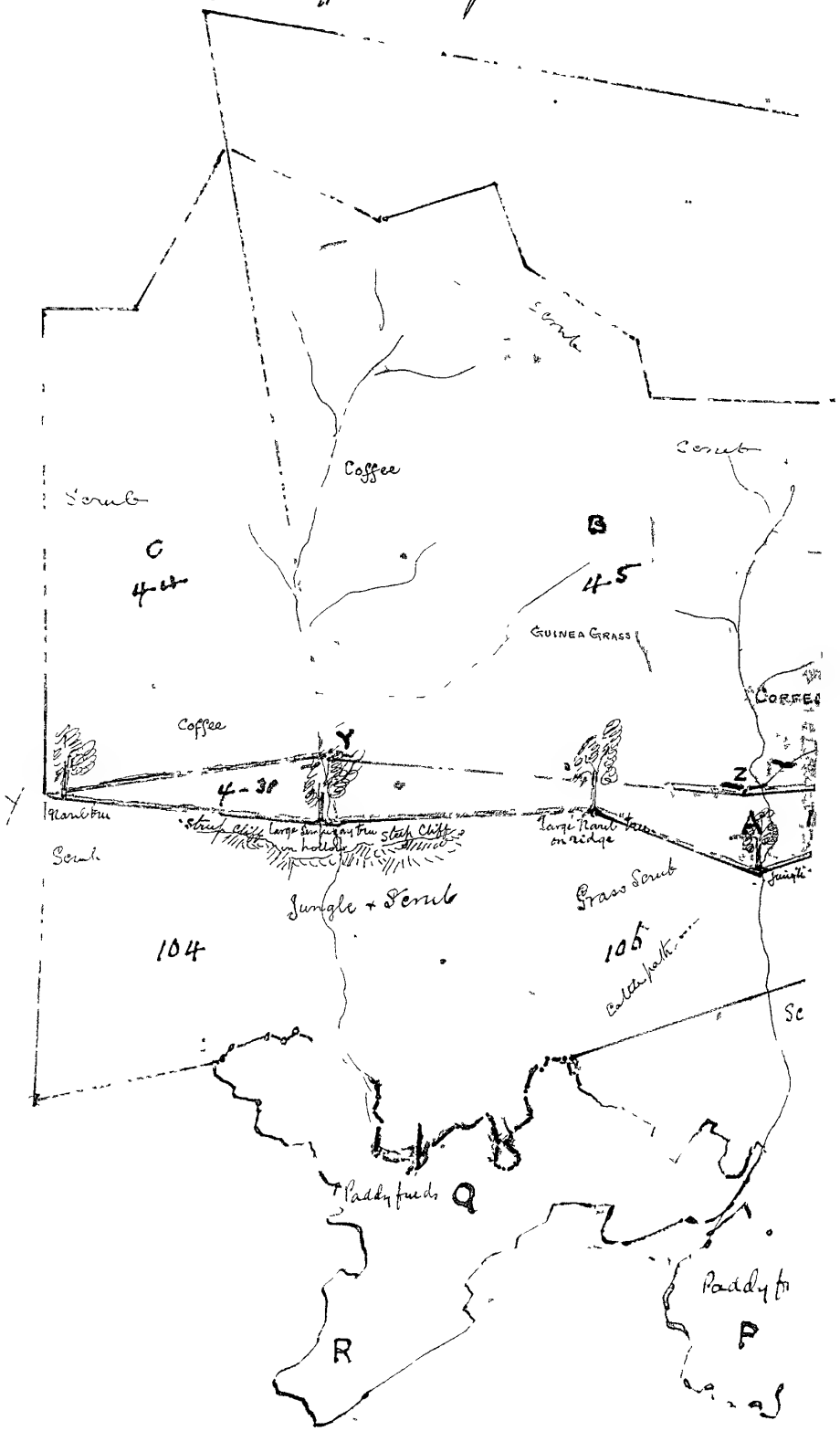
GIVEN DETAILS DIETS
Fee Rs. In
DATE 26-8-95

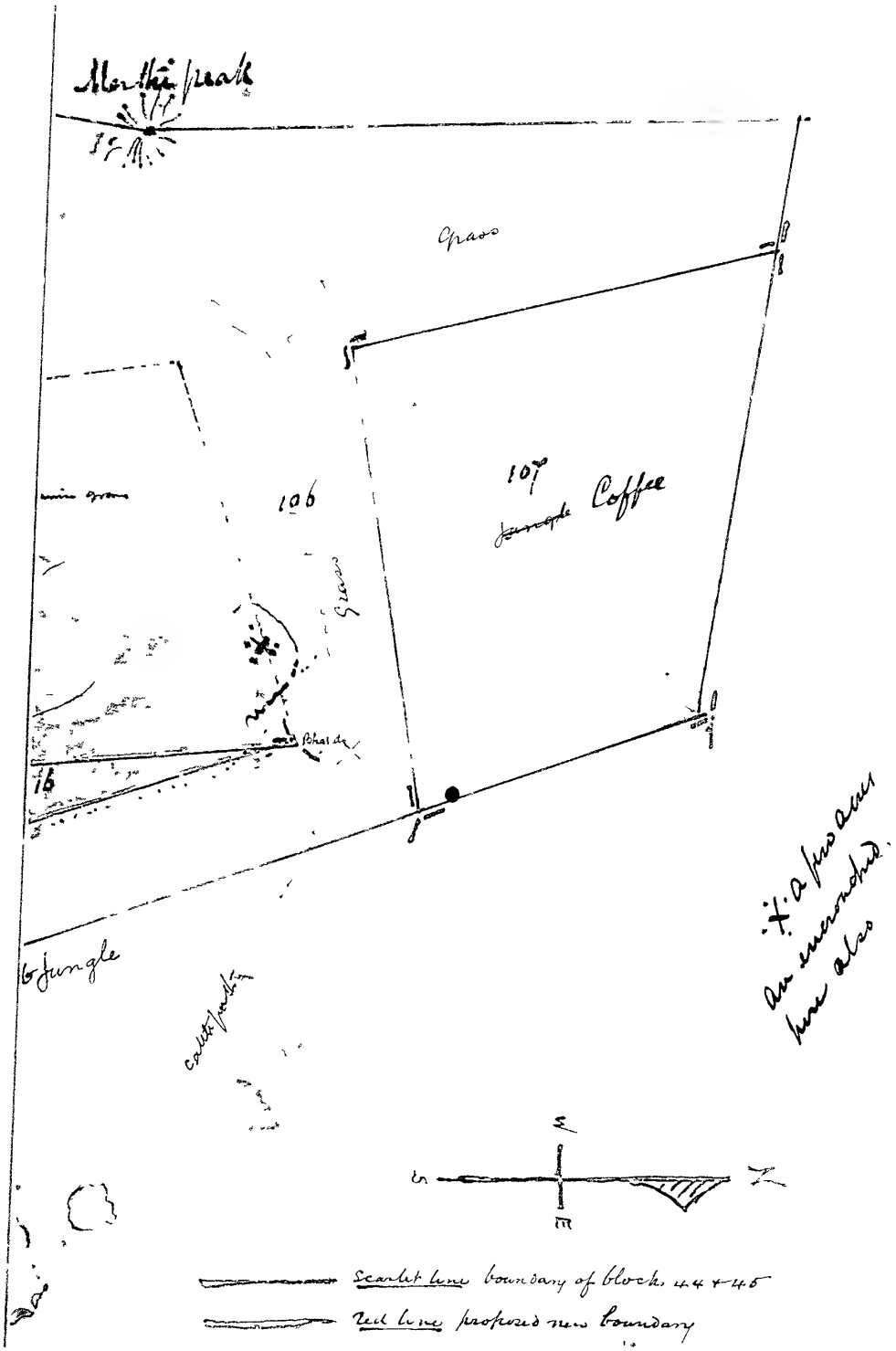
876

Pay received with two rupees
26/8/95

19/8/95

Merthikhan Estate
Potadoor Grama
Moodgoni Lalung





No trace of Bhands at Z + Y

Gen. 31]

RECEIVED 1895 DEC 4612 397 MAIN'S OFFICE

Copy
12/12/95

From The Deputy Commissioner, Kadur District

To The Revenue Secretary to the Government of Mysore

Dated 10th

Despatched 12th December 95

Received

General No. 413 / 1895-96.
No.

Enclosure No. 1

Revenue Secretary's No. 1075 dated 4th instant, forwarding for report petition of Nagappa and others praying that the application of Mr. Reed for 25 acres out of Survey Nos. 104, 106 and 25 of the Totadur Village should not be granted

---

In returning the petition received with the above, has the honor to invite attention to this

Office No. 403 dated 6th instant with which the report called for in Mr. Reed's case has been submitted.

[illegible]
Deputy Commissioner
Kadua Dt.

Ans.

Gen. 30.]

1896

MUZRAI.

From

To D.C. Kadur
Suptt Rev. Survey

Dated 3 - 2 - 96

Despatched

Received

Enclosure No. 1 file 1 P + 2 maps

General No. 811-2

Muzrai F. No. 34-95

Muzai

Read.—

Petition No. 399 dated 19th July 1895 from Mr. C S Reed of Merthikan estate, Kadur District, appealing against the order of the Deputy Commissioner, directing the resumption of the encroached portions in Survey Nos: 106 and 106 of the Totadur village, Mudgere Taluk.

And,

Kadur Deputy Commissioner's letter No 403 dated 6th December 1895, reporting on the above

Orderthereon. No. 811-2 / 734-95

The coffee tract known as Merthikan estate is an Inam land attached to the Kalasa temple and it now comprises of the following Survey Nos in Totadur village, Mudgere Taluk;—

Survey No.	Extent A G	Assessment Rs as P
44	71-8	107-0 0
45	190-12	285-8-0
107	87-23	131-8 0

2. Towards the close of the year 1893, Mr Reed the agent of the present holders of the estate Messrs Morgan Brothers, brought to the notice of the

Deputy Commissioner and the Taluk Amildar, that portions of the adjoining waste lands Nos: 104 and 106 (also belonging to the Kalasa temple) had been encroached upon and planted up with Coffee several years ago, by the former holders of the estate and requested that the portions so encroached upon together with some additional lands to the total extent of 24 acres and 7 guntas as detailed in the margin* might be granted to him.

3 It having been found on enquiry that about 4 acres of the Waste lands referred to above, had been encroached upon and contained 4000 Coffee plants of about 9 years' growth, the Deputy Commissioner passed an order directing, that the lands unauthorizedly planted up should be resumed, and the arrears of assessment thereon from the year 1885-86 levied from the present and the former Khatedars of the estate in proportion to the periods of their respective occupancy. As

* A G
19-16 in Survey No. 106
4 31 - -- 104
24-7.

regards Mr. Reed's application for the grant of 19 acres and 16 guntas of land in Survey No. 106 and 4 acres and 31 guntas in Survey No. 104, the Deputy Commissioner ordered that the former should be put up to auction but that the latter could not be granted as the area was less than the minimum of 5 acres prescribed in the case of coffee lands.

4 In appealing against the foregoing order of the Deputy Commissioner, Mr. Reed represents that the coffee plants on the encroached portions are old ones planted up several years ago by the former holders of the estate, that it was only in March 1892 that Messrs Morgan Brothers, whose agent the petitioner is, purchased the estate in good faith and under the belief that the encroached portions also formed part of the estate and that it would be extremely hard upon the present holders if the lands in question should now be resumed by Government. In proof of his <u>bona fides</u> in this respect, Mr. Reed, also urges that he, of his own accord, brought the fact of the encroachment to the notice of

authorities immediately after he discovered it himself.

5 Under the circumstances explained by Mr Reed, the Government are pleased to direct that those portions of the Survey Nos 104 and 106 which have been already encroached upon and planted up be confirmed to the present Khatedars Messrs Morgan Brothers, subject to their paying the arrears of assessment thereon together with the usual upset price at the rate of Rs 10- per acre. It is observed from the Deputy Commissioner's report that the area so unauthorizedly planted up is about 4 acres. But its exact area should now be ascertained by actual measurement, and included in the adjoining Survey Nos 44 and 45 in the petitioner's occupancy and the necessary rectification of boundaries effected in communication with the Superintendent of Revenue Survey. The cattle path etc that may be existing on the land in question should be reserved and open to the villagers as usual.

6 The additional lands applied for by Mr Reed will be disposed of by auction under the Coffee rules.

3-2-96

Mwzrai Secretary

To
The Deputy Commissioner Kadur District, returning the Vern: Papers.
" Superintendent of Revenue Survey and Settlements.

Order to be read —

51

Gen. 30.]

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MUZRAI.

From

To

Dated 4. 2. 96

Despatched

Received

Enclosure No

General No. 814.

Muzrai F. No. 34-95

Copy is forwarded to Mr. C P Reid of Mettikan Estate in reply to his petition to Govt No. 399 of 19th Jan 1895

Muzrai

× Of order No 811-2. of 3/2/96. Muz. F. 34-95